

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE ANDROGEL ANTITRUST
LITIGATION (II)

1:109md2084-TWT

FRATERNAL ORDER OF POLICE,
FORT LAUDERDALE LODGE 31,
INSURANCE TRUST FUND,

Plaintiff

v.

CIVIL ACTION NO.

UNIMED PHARMACEUTICALS,
INC., ET AL

1:09cv2914-TWT

Defendants

GEORGE STEVEN LEGRAND, on
behalf of himself and all others
similarly situated,

Plaintiff

v.

CIVIL ACTION NO.

UNIMED PHARMACEUTICALS,
INC., ET AL

1:10cv2883-TWT

Defendants

SCHEDULING ORDER

The above entitled action is presently before the Court pursuant to the filing of the parties' Joint Preliminary Report and Discovery Schedule [139] in 1:09md2084. The Court has reviewed the parties Joint preliminary Report and Discovery Schedule. In the report, the plaintiffs have proposed a schedule and defendants have proposed their schedule and both have stated their reasons.

The Court rejects the plaintiffs proposed schedule. All parties shall proceed with the schedule as set for this case in the Court's March 25, 2010 Case Schedule, found at document [70] in 1:09md2084 and attached as part of this order.

SO ORDERED, this 8th day of November, 2010.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
UNITED STATES DISTRICT JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA**

**IN RE: ANDROGEL ANTITRUST
LITIGATION (II)**

Case No. 1:09-md-2084 (TWT)

**DIRECT PURCHASER CLASS
ACTIONS**

1:09-CV-956-TWT

1:09-CV-957-TWT

1:09-CV-958-TWT

1:09-CV-2913-TWT

**DIRECT PURCHASER
INDIVIDUAL ACTIONS**

1:09-cv-2776-TWT

1:09-cv-3019-TWT

~~PROPOSED~~ CASE SCHEDULE

Discovery Opens

March 19, 2010

Defendants shall produce all documents produced to the Federal Trade Commission in connection with the FTC's investigation of Solvay/Unimed's settlement of its patent infringement lawsuits against Watson and Par/Paddock, including the investigational hearing transcripts and exhibits in Defendants' possession (the "FTC File"). In addition, Defendants shall produce all non-public court filings, expert reports, and transcripts of depositions or court hearings in Defendants' possession from the patent litigation (the "Patent File"). This production will begin on or around March 19, 2010. Any production of third-party materials, or any written discovery, deposition transcripts, pleadings, and/or non-public filings containing any third-party materials from the Patent File or the FTC File will take place after sufficient notice is given to affected third parties pursuant to the Protective Order entered in the underlying patent litigations. To the extent that there are objections to the production of such third party materials, Defendants will withhold those materials until resolution of the objections. All

materials produced will be designated "Highly Confidential" in accordance with the Protective Order entered by Judge Thrash on December 23, 2009.

Fed. R. Civ. P. 26(a) Initial Disclosures ~~March 25, 2010~~
Joint Preliminary Report and Discovery Plan ~~April 10,~~

Defendants shall substantially complete
Production of the FTC File and Patent File April 1, 2010

Discovery Closes on whether the
underlying patent litigation was
"objectively baseless" ~~November 1, 2010~~

Opening Expert Reports on whether the
underlying patent litigation was "objectively baseless" ~~November 22, 2010~~

Expert Rebuttal Reports on whether the
underlying patent litigation was "objectively baseless" ~~December 13, 2010~~

Expert Reply Reports on whether the
underlying patent litigation was "objectively baseless" ~~January 3, 2011~~

Discovery Closes March 15, 2011

Plaintiffs' Motion for Class Certification
and accompanying Expert Report(s) April 15, 2011

Defendants' Opposition to Motion for
Class Certification and accompanying
Expert Report(s) May 15, 2011

Opening Merits Expert Reports May 15, 2011

Plaintiffs' Reply in Support of Motion for
Class Certification June 15, 2011

Merits Expert Rebuttal Reports June 15, 2011

Merits Expert Reply Reports July 15, 2011

Merits Expert Discovery Closes August 15, 2011

Final Deadline for Dispositive Motions September 15, 2011

[†] The only disagreement at this time among the parties concerns the entries in bold from November 1, 2010 through January 3, 2011. Defendants Watson and Par/Paddock propose the entries in bold. Direct Purchaser Plaintiffs and the Solvay defendants oppose the entries in bold.

Oppositions to Dispositive Motions

October 17, 2011

Replies to Dispositive Motions

November 15, 2011

Joint Pretrial Order

January 4, 2012

Trial

February 1, 2012 or another
time of the Court's choosing

Pursuant to the Federal Rules of Civil Procedure, any party may file a motion for summary judgment on any issue at any time. Any opponent of such a motion may, as applicable, oppose such a motion with an affidavit pursuant to Rule 56(f).

March 24, 2010.

Thomas W. Thrash